

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

FLAGSHIP WEST LLC, a California	)	1:02-cv-5200 OWW
limited liability company,	)	
MARVIN J. REICHE; KATHLEEN	)	SUPPLEMENTAL SCHEDULING
REICHE,	)	CONFERENCE ORDER FOLLOWING
	)	REMAND
Plaintiff/	)	
Appellees,	)	Plaintiffs' Opening Brief
	)	Filing Deadline: 9/4/09
v.	)	
	)	Defendants' Opposition
EXCEL REALTY PARTNERS, L.P.; a	)	Filing Deadline: 10/2/09
Delaware limited partnership,	)	
NEW PLAN EXCEL REALTY TRUST,	)	Plaintiffs' Reply Filing
INC., a Maryland corporation,	)	Deadline: 10/16/09
	)	
Defendants/	)	Hearing Date: 11/2/09 11:00
Appellants.	)	Ctrm. 3
	)	
	)	

I. Date of Scheduling Conference.

A Scheduling Conference was held following spreading of the mandate in the District Court on August 12, 2009. Plaintiffs were represented by John Fairbrook, Esq. Defendants were represented by Mark E. Kogan, Esq., and Stephen E. Carroll, Esq. After discussion, the following Scheduling Order is entered:

1. Plaintiffs shall file their opening brief concerning the issue of the enforceability of the rescission clause of the governing contract on or before September 4, 2009.

1           2.    Defendants shall file their opposition on or before  
2   October 2, 2009.

3           3.    Plaintiffs' reply shall be filed on or before October  
4   16, 2009.

5           4.    The matters shall be heard on November 2, 2009, in  
6   Courtroom 3 at 11:00 a.m. Plaintiff shall not raise any new  
7   matter in the reply memorandum of law.

8  
9   IT IS SO ORDERED.

10   Dated: August 13, 2009

/s/ Oliver W. Wanger  
UNITED STATES DISTRICT JUDGE